



U.S. Department of Justice

*United States Attorney  
Eastern District of New York*

WK  
F.#2009R00768  
Disco.3

*271 Cadman Plaza East  
Brooklyn, New York 11201*

June 14, 2012

**BY ECF & FEDEX**

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Re: United States v. Gerardo P. Fusella, et al.  
Criminal Docket No. 11-844 (KAM)

Dear Counsel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes the following discovery with respect to the above-captioned case.

A compact disc containing the January 28, 2009 Gregory J. Polvere & Associates audit report and supporting documentation ("Polvere Report"). Further, the January 23, 2012 discovery letter mistakenly identified the audit materials provided in box #70 as the Polvere Report. Box #70 in fact contains an audit conducted by Abrams, Herde & Merkel, LLP, and related materials.

Abrams, Herde & Merkel, LLP was retained by the Trustees of Local 282 Welfare Trust Fund to conduct an audit of Fusella Group. The Polvere Report provides certain data that underlie and are incorporated in the Abrams, Herde & Merkel, LLP audit.

The investigation of these defendants is ongoing. The government will produce any additional discovery required by Rule 16 of the Federal Rules of Criminal Procedure if and when it

becomes aware of it. The government herein reiterates its demand for reciprocal discovery.

Please contact me if you have any questions.

Very truly yours,

LORETTA E. LYNCH  
United States Attorney

By: /s/  
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c.c.: Clerk of the Court (KAM) (w/out enclosure)